

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

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| In the Matter of the Suspension |) | |
| |) | |
| of the Educator Certificate of |) | ORDER OF SUSPENSION |
| |) | |
| Rebecca Jane Kinross, |) | (BREACH OF CONTRACT) |
| |) | |
| <u>Certificate 269937</u> |) | |

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2016. On December 23, 2015, and February 24, 2016, the South Carolina Department of Education (SCDE) attempted to serve Rebecca Jane Kinross with a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On March 9, 2016, Ms. Kinross acknowledged to the SCDE investigator that she had received the second notice letter. She further acknowledged she did not invoke her right to a hearing pursuant to S.C. Code Ann. § 59-25-170 (Rev. 2004).

After considering the evidence presented, the State Board voted to suspend Ms. Kinross' educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Anderson County School District Five (District) recommending the suspension of the educator certificate of Rebecca Jane Kinross for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Kinross holds a valid South Carolina educator certificate and has one year of teaching experience. On April 15, 2015, Ms. Kinross signed a contract with the District to serve as a math teacher at TL Hanna High School for the 2015-2016 school year. On September 21, 2015, Ms. Kinross submitted a letter of resignation, effective October 2, 2015. The Assistant Superintendent for Human Resources informed Ms. Kinross that her resignation did not meet the

guidelines provided in Board Policy GBO. Ms. Kinross did not return to work after October 2, 2015.

On October 15, 2015, the District Board of Trustees found that Ms. Kinross failed to comply with the provisions of her contract and that her behavior constituted a breach of contract with the District. On October 19, 2015, the District sent Ms. Kinross a letter informing her of the District Board of Trustees' vote and notifying her that her breach of contract would be reported to the State Board. On October 20, 2015, the District reported this matter to SCDE requesting that the State Board suspend Ms. Kinross' educator certificate.

On December 23, 2015, and February 24, 2016, the SCDE attempted to serve Ms. Kinross with a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On March 9, 2016, Ms. Kinross acknowledged to the SCDE investigator that she had received the written notice dated February 24, 2016. She further acknowledged she did wish to invoke her right to a hearing.

After considering the evidence presented, the State Board voted to suspend Ms. Kinross educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provides that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Rebecca Jane Kinross breached her contract and engaged in unprofessional conduct, wilfully neglected her duty, and failed to comply with the provisions of her contract

without the written consent of the Anderson County School District Five. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Rebecca Jane Kinross, certificate 269937, for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017. If Ms. Kinross wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Kinross shall also pay the applicable reinstatement fee. The suspension of Ms. Kinross' educator certificate 269937 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

April 12, 2016